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Hawaii News

Sierra Club sues state over leaky Navy fuel tanks

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Posted August 22, 2017

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The Sierra Club is suing the state Department of Health over leaks from the Navy's fuel storage facility at Red Hill.

The nonprofit environmental corporation filed the lawsuit against DOH and department Director Virginia Pressler in state court Thursday.

The lawsuit claims that DOH has ignored state law by failing to enact rules to require owners of underground storage tanks to perform upgrades to prevent releases of hazardous substances.

The DOH did not respond to requests for comment on the lawsuit.

State lawmakers approved legislation in 1992 that allows the DOH director to adopt, amend and repeal state rules controlling and regulating underground storage tanks and tank systems. The law required the department to adopt standards and mandated the replacement or upgrade of then-existing tanks or tank systems by Dec. 22, 1998, to prevent releases over their operating life.

The lawsuit doesn't name the Navy's Red Hill Bulk Fuel Storage Facility, but references a 2014 petroleum leak from an underground storage tank located above the groundwater source for about 763,000 permanent residents within the Pearl Harbor area.

A Sierra Club lawyer declined to confirm whether the 2014 petroleum leak referred to in the lawsuit is the one at Red Hill, instead responding, "Let the lawsuit speak for itself."

One of 20 World War II-era Red Hill storage tanks leaked approximately 27,000 gallons of jet fuel into the ground in January 2014 and had had periodic spills before then.

The Sierra Club says in its lawsuit that underground storage tanks above the Pearl Harbor area groundwater source have leaked petroleum since 1999.

Testing of the drinking water since January 2014 has shown that the amount of contaminants is within acceptable federal and state levels. The city and the Sierra Club, however, have voiced concern over the continued use of the storage tanks.

"Storing millions of gallons of fuel in rusty, old tanks just 100 feet over our aquifer is foolish," said Sierra Club member and volunteer Erynn Fernandez in a press release in May when the Sierra Club sent DOH a petition asking for revised rules. "My family and I, like thousands of others, drink this water everyday. These tanks need to be immediately and completely upgraded or relocated because our groundwater is too important to be put at risk like this," Fernandez said at the time.

Each of the 20 tanks is 250 feet tall and has a capacity of 12.5 million gallons. They are lined with steel and surrounded by concrete. The tanks sit 100 feet above the aquifer, or where the groundwater sits in permeable volcanic rock.

In October 2015 the Navy, Defense Logistics Agency, U.S. Environmental Protection Agency and state DOH reached an agreement requiring the Navy to take immediate and long-term actions to reduce the threat of future leaks. The Honolulu Board of Water Supply, Sierra Club and others complained that the agreement requires too little action over too long a period and does not ensure the aquifer's safety.

The 2015 agreement requires the Navy to do water and fuel flow modeling to determine where previously spilled fuel might end up.

This past June the DOH sent a letter criticizing the Navy for providing too little information on the flow modeling, despite having spent nearly two years investigating it. In an open house later that month, the Navy agreed that it needs to work more on the fuel and water flow modeling before a Dec. 8 deadline to finalize a fuel tank upgrade plan.

The Navy is considering six alternatives: restoring the tanks with enhanced inspection, repair and maintenance; restoration and adding an interior coating; replacing the steel liners; replacing the existing tanks with composite double-wall ones of carbon steel; replacing them with composite double-wall tanks made of stainless steel; and a tank within a tank using carbon steel.

The 2015 agreement also requires the Navy to study alternate sites for fuel storage.

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